

REMARKS/ARGUMENTS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. Claims 1-3 and 7-8 have been amended. Claim 9 has been added. Support for the amendments and the new claim may be found throughout the specification, for example, at paragraphs 12-13. No new matter has been added. Upon entry of the above amendments, claims 1-9, as amended, will be pending.

Claims 1-8 have been rejected under the judicially-created doctrine of obviousness-type double patenting as unpatentable over claims 1-11 of U.S. Patent 6,646,068 and claims 1-19 of U.S. Patent 6,713,5845. With respect to the obviousness-type double patenting rejection, Applicants will address this rejection upon indication of allowable subject matter.

Claims 2, 3, 5, 6, and 8 have been rejected under 35 U.S.C. § 102(b) as anticipated by or in the alternative as obvious over U.S. Patent 5,726,268 or GB 2 294 467 to Sakamoto (collectively "Sakamoto"). Claims 2, 3, 5, 6, and 8 have been rejected under 35 U.S.C. § 102(b) as anticipated by or in the alternative as obvious over U.S. Patent 4,839,448 to Jung *et al.* ("Jung"). Claims 2, 3 and 8 have been rejected under 35 U.S.C. § 102(b) as anticipated by or in the alternative as obvious over U.S. Patent 5,767,211 to Guan ("Guan"). Claims 1-8 have been rejected under 35 U.S.C. § 103(a) as obvious over EP 0 103 199 ("EP '199"). Claims 1, 3, 4, 6 and 7 have been rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent 5,422,023 to Argyropoulos *et al.* ("the '023 Patent"). Claims 1, 3, 4, 6, and 7 have been rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent 5,484,866 to Loveless *et al.* ("Loveless").

With respect to the rejections in view of Sakamoto, Sakamoto does not teach or suggest the present invention. Specifically, Sakamoto does not teach or suggest the claims as amended, in particular, a non-solution method of preparing a soluble branched polymer such that the conversion of monomer to polymer is greater than 90%. For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this rejection.

With respect to the rejections over Jung and over Loveless, neither Jung, nor Loveless teach or suggest a non-solution method. In addition, Jung does not teach or suggest the specific steps of the method of the present invention. Specifically, Jung does not teach or suggest mixing together the components and thereafter reacting them to form a polymer. For at least these reasons, Applicants respectfully request reconsideration and withdrawal of these rejections.

With respect to the rejection over Guan, Guan does not teach or suggest the method of the present invention. Specifically, Guan does not teach or suggest the w/w range of monofunctional to polyfunctional monomer. The polymerizations of the Examples in Guan

each contain more polyfunctional monomer than monofunctional monomer (*i.e.*, greater than 100% w/w of the polyfunctional monomer to nonfunctional monomer). For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this rejection.

With respect to the rejection in view of EP '199, EP '199 does not teach or suggest the present invention. Similar to Jung, EP '199 does not teach or suggest mixing together the components and thereafter reacting them to form a polymer. Further, EP '199 teaches a method that includes a continuous feed of monomers. For at least these reasons, Applicants respectfully request reconsideration and withdrawal of this rejection.

With respect to the '023 Patent, the '023 Patent does not teach or suggest the present invention. Specifically, the '023 Patent does not teach or suggest formation of a soluble branched polymer using the non-solution method of the instant invention. For at least these reasons Applicants respectfully request reconsideration and withdrawal of this rejection.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

MAYER BROWN ROWE & MAW LLP

By: 

John E. Mauk
Registration No. 54,579
Direct No. (202) 263-3255

Paul L. Sharer
Registration No. 36,004
Direct No. (202) 263-3340

Intellectual Property Group
1909 K Street, N.W.
Washington, D.C. 20006-1101
(202) 263-3000 Telephone
(202) 263-3300 Facsimile

Date: December 7, 2005